

GREATER DAYTON PREMIER MANAGEMENT

**Request for Proposal
RFP # 24-14
Energy & Utility Planning Consultant**

Issue Date	11-25-2024
Pre-Proposal Meeting	NONE
Questions from Contractors Due	12-6-2024
Responses from GDPM to Be Posted By	12-13-2024
Proposals Due	1-6-2024 @ 10:00 am
Anticipated Award Announcement	By January 31st

Pre-Proposal Meeting: there is no scheduled pre-proposal meeting

Bid-Opening: There is not be a scheduled public bid opening. On or near the Anticipated Award Announcement date, GDPM will post the award announcement on it's website at the following link:

<https://www.gdpm.org/development-construction/construction-opportunities/>

How to Submit Bids:

PROPOSALS MUST BE SUBMITTED ELECTRONICALLY TO:

housingdevelopment@dmha.org

THE SUBJECT LINE MUST STATE: **RFP 24-14 Energy & Utility Planning Consultant**

PLEASE REFER TO THE ENCLOSED INSTRUCTIONS FOR THE PROPOSAL PACKET FORMAT.

Questions about this Bid Shall be Submitted Electronically to: housingdevelopment@dmha.org

Greater Dayton Premier Management reserves the right to reject any or all proposals, or waive any informality in the bidding. No proposals shall be withdrawn for a period of one hundred twenty (120) days of submission.

All awardees shall be required to meet Affirmative Action requirements and Equal Opportunity requirements and must insure that all employees and applicants for employment are not discriminated against because of race, color, religion, national origin, disability, age, ancestry, creed, or military status.

Greater Dayton Premier Management

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The below items are part of the Bidder's Packet. *Most of these items must either be completed or signed or both and submitted with your sealed bid. Please submit forms in order.*

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Greater Dayton Premier Management

Enhancing Neighborhoods • Strengthening Communities • Changing Lives

RFP 24-14

ENERGY & UTILITY PLANNING CONSULTANT

Dayton Metropolitan Housing Authority dba Greater Dayton Premier Management (GDPM) is an Ohio political subdivision that functions as the public housing authority in Montgomery County, Ohio. GDPM operates both a public housing and Housing Choice Voucher (HCV) program, along with Tax Credit and Section 8 Project Based Voucher properties (PBV) while also executing a complex redevelopment plan utilizing HUD's Rental Assistance Demonstration (RAD) program. GDPM is publishing this Request for Proposals (RFP) to identify and select Energy & Utility Consulting Planning Services for centralizing, future proofing and maximizing the use of GDPM's utility data, as well as assisting GDPM with assessing and taking advantage of current energy related funding resources for redevelopment.

GDPM is seeking proposals from consultants with demonstrated professional competence and experience to facilitate and execute a creative and thorough energy & utility planning process that results in GDPM having a holistic understanding of its portfolio and utility related improvement potential. The planning process will focus on two initiatives: working with utility companies on GDPM's behalf to negotiate better prices and to centralize GDPM's internal records and utility data to automate the updating of GDPM's portfolio within Energy Star's utility database as well as providing all services related to assessing and guiding GDPM towards cost-effective renewable and energy efficiency upgrades related to federal, state and local sources of green energy financing.

The process will include, but not be limited to, working with GDPM's internal staff and utility companies to collect, upload and automate utility information on every property within GDPM's portfolio to Energy Star's database, as well as providing technical and strategic assistance to GDPM related to potential various green investment opportunities available at all levels of government. The process will include a commitment to quality customer service, communication, and effective teamwork.

I. Project Description:

A. Project Identification: RFP– 24-14 Energy & Utility Planning Consultant

B. Work Summary:

1. Services: The scope of work includes, but is not limited to, the following:

a. Utility Consumption & Reporting Consulting:

- i. Collect, review and analyze existing data provided by GDPM;
- ii. Establish a report with and open a line of negotiation with utility companies for both utility rate negotiations and
- iii. Work with GDPM staff, sub-contractor, and/or utility companies to create profiles for each building/property in GDPM's portfolio (more than 2,700 units) in Energy Star's database;
- iv. Work with utility companies to automate the updating of data to Energy Star's database;

b. Energy Efficiency Infrastructure Financing Planning Consulting

- i. Assess future trends in technology;
 - ii. Analyze and assess the cost effectiveness of energy efficiency projects;
 - iii. Explore, advise and assist with implementing on energy efficiency financing;
 - iv. Be able to provide energy auditing services according to updated ASHRAE specifications up to and including Level 3;
 - v. Keep GDPM compliant with HUD energy auditing requirements as listed in 24 CFR 965.302;
 - vi. Preferred is experience working with net zero construction or LEED construction;
2. **Kick-Off Meeting:** The consultant will meet with GDPM's project staff to discuss roles and responsibilities in the planning process. GDPM will provide the consultant with relevant information. The consultant will identify necessary data collection by GDPM staff, and the parties will discuss the best means for executing the project deliverables.
 3. **Attending Periodic Meetings:** GDPM expects that the consultant will be available for periodic meetings, including the Kick-Off Meeting. Also, the consultant must be available for conference calls throughout the planning & execution process.
 4. **Bi-Weekly Status Updates:** The consultant will provide status updates every two weeks via e-mail to the GDPM project staff throughout the planning & execution process and be available by phone, as needed.
 5. **Key Deliverables and Due dates:**

Deliverable	Due Date
Est. Kick-off Meeting	Jan. 27 th
Determine an estimated timeline and assessment of if information is still required from GDPM.	Feb. 3 rd
Execution of timeline	tbd

II. Submission Requirements: To be considered, Consultant's bid packet must be fully completed. Please read all the Instructions carefully and contact housingdevelopment@gdpm.org if you have any questions. A complete proposal packet will contain the following completed items:

- a. Statement of Qualifications:
 - i. An introduction to you/your firm
 - ii. A listing of proposed project personnel, including personal experiences and resumes for primes and subcontractors/consultants.
 - iii. Proof of licenses and credentials, if applicable
 - iv. Provide related experience with regard to energy consulting.

- v. A list of at least three professional references.
- b. *Statement of Strategy*: Please provide a statement or clear outline on how you intend to assist GDPM in Utility Consumption & Reporting as well as Energy Efficiency Infrastructure Financing Planning
- c. *Proposal Pricing Form*
- d. *Contractor Information Form*
- e. *Non-Collusive Affidavit*
- f. *Section 3 Forms*
- g. *W-9*

Only email submissions will be accepted. The email shall be addressed to ebid@gdpm.org. The subject line of the email shall state the Contractor's name and include the words "**RFP 24-14 ENERGY & UTILITY PLANNING CONSULTANT.**" No late submittals will be accepted. Electronic signatures are accepted.

III. Selection Criteria

GDPM intends to have a selection committee of at least three to evaluate proposals. Proposals will be evaluated using the following criteria:

No.	Evaluation Criteria	Value
1	Qualifications and expertise of firm and key personnel: <ul style="list-style-type: none"> • Firm's strategic planning experience in general • Proposed team make-up and qualifications, including roles of key personnel, their related educational/professional qualifications and resumes. 	40
2	Experience with Net Zero or equivalent green construction	5
3	Statement of Strategy Describe your proposed approach. How would your firm approach this project?	30
4	Fee Proposal	20
5	Presentation, completeness, organization, and conformance to the RFP content and format requirements.	5
	Total	100
	Section 3 Contractor/Section 3 Implementation Plan & Strategy	15
	Total with Section 3 Preference	115

- IV. **Davis Bacon/Prevailing Wages:** Prevailing wage requirements of the Davis-Bacon and related Acts (DBRA) apply to laborers and mechanics on federal construction and most federally assisted construction projects in excess of \$2,000. **Davis Bacon Wage Rates DO NOT apply to this project.** Therefore, the Contractor shall follow all requirements including, but not limited to, submitting required documentation to evidence compliance. A copy of the most recent wage determination is attached hereto.
- V. **Section 3:** The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. GDPM provides preferences to business that are registered as Section 3. For more information on Section 3 or how to register to become a Section 3 business please visit: <https://www.hud.gov/section3> or contact GDPM's Procurement Department at procurement@dmha.org.
- For this solicitation, Section 3 Contractors and/or acceptable Section 3 Strategy Plans will receive up to 15 preference points. Please refer to the Supplemental Instructions to Contractors for Section 3 Compliance included in this packet.
- VI. **GDPM Professional Services General Terms & Conditions (up to \$250,000):** Please carefully read and review the relevant terms and conditions including, but not limited to, the GDPM insurance requirements, prior to submitting your proposal. GDPM's Professional Services General Terms and Conditions (up to \$250,000) is available for review at <https://www.gdpm.org/development-construction/documents/>.
- VII. **Additional Information May Be Required:** If you are new to doing business with GDPM or it's been more than five years since you've worked on a GDPM related project, prior to Contract Award GDPM may require additional information including, but not necessarily limited to, references and evidence of capacity to perform. GDPM will request this information only if Contractor is selected for the award. Contractor will then have 72 hours to provide the requested information. If Contractor fails to provide the requested information, the information is inadequate or the information proves disqualifying in GDPM's discretion, GDPM will cancel the award and select the next lowest bidder for the Contract Award.
- VIII. **Reservation of Rights:** GDPM reserves the right to reject a proposal, if, in its sole discretion, that bidder is determined not to be the best-qualified or to be deficient in experience, technical proficiency or unable to provide qualified manpower to meet the specifications. GDPM reserves the rights to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by GDPM to be in its best interests. GDPM reserves the right not to award a contract pursuant to this RFP. GDPM reserves the right to change, modify, amend, revise or alter any of the instructions, terms, conditions, and/or specifications identified in the RFP documents within any attachment or drawing, or within any addenda issued. All addenda will be posted to GDPM's website at www.gdpm.org.
- IX. **Questions regarding this Solicitation:** If you have any questions or if you'd like to receive notifications concerning this solicitation, please send a request with your name and email address to housingdevelopment@dmha.org.



REQUEST FOR PROPOSAL PROFESSIONAL SERVICES

Contractor Information

RFP Name _____ Solicitation No. _____
 Prevailing Wage? _____ Proposal Due Date _____ Contract Term _____

Contractor Information

Name of Business: _____ Primary Contact _____
 Street Address: _____ Street Address Line 2: _____
 City: _____ State: _____ Zip Code: _____
 Contact Number: _____ E-mail:* _____

Check at Least one of the Following:*	Section 3	Are you currently suspended, debarred or otherwise deemed ineligible for a federal contract award?	Check box if addendum was reviewed (<i>don't check if not applicable</i>)	Addendum 1
	MBE/WBE			Addendum 2
	Veteran			Addendum 3
	None Apply			Addendum 4
				Other

By signing below, Contractor attests that he/she has the legal power, right, and authority to make this Agreement. Contractor agrees that if selected for the Contract Award, Contractor is qualified to perform all work necessary to complete the services as specified in the Contract Documents at Contractor's quoted price. Further, Contractor has reviewed, acknowledges and accepts the provisions within the Contract Documents including, but not limited to, Form HUD 5369-B Instructions to Offerors Non-Construction, the Specifications, Contractor's bid, and the GDPM Professional Services General Terms and Conditions (up to \$250,000). Unless otherwise specified in writing by GDPM on GDPM letterhead and signed by both parties, during the term of the Contract, if any provision within the Contract Documents is in conflict with, or inconsistent with any of the GDPM General Terms and Conditions, the GDPM General Terms and Conditions shall prevail. Terms that conflict with and/or are inconsistent with the GDPM General Terms and Conditions are hereby revoked, rejected and void, even if the contract documents containing such terms are executed after the GDPM General Terms and Conditions, this includes, but is not limited to indemnification, warranty, payment, order of precedence, and integration provisions. By signing signing below, Contractor acknowledges that GDPM reserves it right to reject any and/or all bid or to cancel the solicitation at any time and for any reason(s). The total Contract Award shall not exceed \$250,000 during the entire Contract Term. Contractor's proposal shall be valid for at least 90 days subsequent to the bid opening date. GDPM Contract Documents are available at <https://www.gdpm.org/development-construction/documents/>.

 Contractor Signature of Acceptance Date

Acceptance of Proposal:
 GDPM accepts your proposal and the Master Agreement containing the solicitation, General Terms and Conditions, and cost catalog are hereby in effect.

 GDPM Signature of Acceptance Date



Proposal Pricing Form

RFP No. 24-14: Energy & Utility Planning Consultant

(In lieu of this form, Contractor may submit an alternative pricing/fee form)

Proposal Pricing (GDPM is Tax Exempt)

Pricing Elements – The Total Proposal includes the following elements:

Item	Description	Amounts
1	Hourly rates for utility data collection & reporting to energy star database	\$
2	Normal hourly rates if different	\$
3	Description of how work is likely to be distributed based on rate	

Signature

Date



ENHANCING NEIGHBORHOODS
STRENGTHENING COMMUNITIES
CHANGING LIVES



PLANNING & DEVELOPMENT VENDOR REGISTRATION FORM

GENERAL INFORMATION

Vendor Name

Contact Name

Contact Person's Title

Street Address

Street Address Line 2

City

State

Zip Code

Phone Number

Other Phone

Fax Number

E-mail Address

DISCLAIMER

The completion and submission of the Vendor Registration Form does not guarantee any minimum or maximum amount of work for a Vendor. It simply means that a Vendor is registered to conduct business with GDPM as opportunities are made available. At that time, the Vendor may have the opportunity to submit a bid, quote or proposal. Likewise, the submission of a bid, quote or proposal does not guarantee any Vendor the right to an award as all procurement activity conducted by GDPM must be in full compliance with the following regulations:

- 2 CFR Part 200
- HUD Procurement Handbook 7460.8 REV 2
- GDPM's Procurement Policy and Procedures

For registrations you must submit a W-9 Form.

GDPM VENDOR REGISTRATION FORM

BUSINESS CLASSIFICATION

Taxpayer Identification Number or Social Security Number

(must select at least 1)

Individual /Sole Proprietorship

Joint Venture

Corporation

Resident Owned Business

Other

Partnership

Not-for-Profit

State of Incorporation

Number of Years Company has been in Business:

Number of Employees:

ECONOMIC INCLUSION

Certifying documentation or notarized declaration must be provided to GDPM to prove status:

(must select at least 1)

Not Applicable

Disabled Owned

Woman Owned (at least 51%)

Small Business

Veteran Owned

Minority Owned (at least 51%):

Section 3 Business Concern:

GDPM VENDOR REGISTRATION FORM

Would you like to receive e-mails on development opportunities that involve your services?

VENDORS SERVICES AND/OR PRODUCTS

Please specify the type of service(s) or product(s) that your business provides:

(must select at least 1)

Appraisal (Real Property)

Asphalt Repair

Architecture/Engineering

Cabinet Installation

Carpet Cleaning

Concrete Repair

**Construction: Exterior
Renovation**

**Construction: Interior
Renovation**

Construction: New

Construction: Repair

Construction Management

Demolition

Design Services

Electrical Supplies

Elevators

**Energy Services – Building
Facilities**

Environmental Services

Planning Design

Fire Suppression and Inspection

Flooring

Hazardous Materials Removal

HVAC

Janitorial Services

Land Acquisition

Land Surveying

Landscaping Services

Masonry

Mowing Services

Painting

Planning Design

Playgrounds

Plumbing

Real Estate Appraisals

Roofing

Siding & Installation

Waste Removal

Waster Repair Restoration

Other



GREATER DAYTON PREMIER MANAGEMENT SECTION 3 CERTIFICATION FOR PREFERENCE

Please note that a contract with Greater Dayton Premier Management is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended **AND** to the Section 3 Action Plan submitted with the proposal for this project.

Type of Business: Corporation Partnership Sole Proprietorship Joint Venture LLC MBE WBE
(check all that apply)

Business Name: _____

Contact Person: _____ Phone: _____ Email: _____

You self-certify that your business is, documented within the last six months a Section 3 Business Concern based on one of the below eligibility criteria's. (Check the one that qualifies your business):

Category 1

51 percent or more owned and controlled by low- or very low-income persons (based on household income under HUD-income limits); **or**

Category 2

75 percent or more of the business labor hours to perform the business are performed by low-very low income persons; **or**

Category 3

51 percent owned and controlled by current residents of public housing or Section 8-assisted housing.

OR

My business does not meet the Section 3 eligibility criteria and wishes to forgo Section 3 preferences in the awarding of this contract, but understand that we are still responsible for meeting Section 3 compliance.

"I hereby certify that the information provided on this form is true and correct, and understand any falsification of any of the information could subject me to punishment under the law."

Signature _____ Date _____
Authorized Signer

Title: _____

If you would like more information or to register your business in the Section 3 program, please send an email to Procurement@dmha.org.

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low-or very- low income residents in connection with projects and activities in their neighborhoods.

Non-Collusive Affidavit and Full Disclosure Statement

Non-Collusive Affidavit: The undersigned party hereby certifies that this proposal/bid is genuine and not collusive or sham; that said offeror has not colluded, conspired, connived or agreed, directly or indirectly, with any offeror or person to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference, with any person, to fix the bid price or any other offeror, or to fix any overhead, profit or cost element of said bid price, or of that of any other offeror, or to secure any advantage against the Greater Dayton Premier Management or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Disclosure: The undersigned certifies that I, nor any member of my immediate family does not now, and has not for the preceding two years, had any interest, whatsoever, whether direct, or indirect, in GDPM or any of its members or officials including but not limited to any interest which yields or has the potential of yielding directly or indirectly a monetary or other material gain or benefit with any employees, officers and commissioners of GDPM and members of their immediate family, or any interest arising from blood or marriage or from close business association, notwithstanding whether any financial interest is involved with any employees, officers and commissioners of GDPM members of their families or employment or services rendered as a member, official or officer of GDPM.

Signature: _____

Signature: _____

Title: _____

(Company Name)

What Projects or Contracts Does Section 3 Apply to?

Housing and Community Development Financial Assistance

Section 3 applies to housing construction, housing rehab and public infrastructure projects that receive more than \$200,000 in HUD assistance. Section 3 also applies to projects that include Lead Hazard Control and Healthy Homes assistance that exceeds \$100,000.

Public Housing Financial Assistance

Section 3 applies to any amount of assistance for development, operations and management, mixed-finance development projects, and in some cases, Rental Assistance Demonstration (RAD) and Choice Neighborhoods projects.

What Are the Goals of Section 3?

Section 3 has goals that recipients, subrecipients, contractors and subcontractors must meet. The goals are as follows:

Housing and Community Development Financial Assistance

- 25% or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers and 5% or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers.

Public Housing Financial Assistance

- 25% or more of the total number of labor hours worked by all workers in a PHA's fiscal year are Section 3 workers and 5% or more of the total number of labor hours worked by all workers in a PHA's fiscal year are Targeted Section 3 workers.

What Happens if the Section 3 Goals Are Not Met?

Recipients must report qualitative nature of Section 3 compliance efforts and the efforts of its contractors and subcontractors.

How Can I Find Section 3 Opportunities in My Area?

Contact your local and state government and public housing authority to learn more about employment, training and contracting opportunities that may be available to you in your community.

How Can I Learn More About Section 3?

Visit the following websites:

- <http://www.hud.gov/section3>
- <http://www.hudexchange.info/programs/section-3/>

Want to learn more about YouthBuild?

- <http://www.dol.gov/agencies/eta/youth/youthbuild>



SECTION 3

for Workers and Businesses

Learn about employment, training and contracting opportunities that can be available to you under Section 3.

What Is Section 3 and Why Does It Matter?

- Every year the Department of Housing and Urban Development (HUD) invests billions of federal dollars into distressed communities across the country for projects that provide **access to safe and affordable housing and improve public infrastructure**.
- These funds are passed down to public housing agencies, local and state governments or other recipients through grants or financial assistance.
- The financial assistance can be used to **maintain and build affordable housing and improve public infrastructure** in your community.
- **Employment, training and contracting** opportunities that result from the covered projects or contracts must be directed to persons who are low-income (**Section 3 workers**) and businesses that are owned by or employ persons who are low-income (**Section 3 businesses**) to help build economic wealth.
- Best efforts should be made to direct economic opportunities to persons and businesses in the **order of priority** outlined in the final rule requirements.

Who Is Responsible for Providing Access to Economic Opportunities?

- Recipients and subrecipients of HUD assistance
- Contractors and subcontractors working on certain HUD-assisted projects or contracts

How Can Contractors Help PHAs and Grantees Meet the Section 3 Goals?

Contractors can help PHAs and grantees meet the Section 3 goals by being a Section 3 business or employing Section 3 workers. Some grantees or PHAs may offer incentives to businesses that can demonstrate how they will meet the Section 3 goals.

What Is a Section 3 Worker?

A **Section 3 Worker** is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories as documented:

- Person who is low-income
- Employed by a Section 3 business concern
- YouthBuild participant

What Is a Targeted Section 3 Worker?

A **Targeted Section 3 Worker** is a Section 3 worker who is **employed by a Section 3 business concern** or is a worker that currently fits or when hired fit at least **one** of the following categories as documented within the past five years:

Housing and Community Development Financial Assistance

- Lives within the neighborhood of the project
- YouthBuild participant

Public Housing Financial Assistance

- Resident of public housing or Section 8-assisted housing
- Resident of other public housing projects or Section 8-assisted housing managed by the PHA that is providing the assistance
- YouthBuild participant



What Is a Section 3 Business Concern?

A business that meets at least **one** of the following categories, within the last six-month period:

- At least 51% owned and controlled by persons who are low-income
- At least 51% owned and controlled by current public housing residents or residents who currently live in Section 8 assisted housing
- Over 75% of the labor hours performed for the business over the prior three-month period were performed by Section 3 workers



Greater Dayton Premier Management

HUD Section 3 Utilization Tool

Public Housing Financial Assistance

Public reporting for this collection of information is estimated to average 1.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information.

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), and 12 U.S.C. § 1701u ensure that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance for housing. The regulations are found at 24 CFR Part 75. This collection of information is required to ensure that Section 3 workers and Section 3 Business concerns participating in Housing and Community Development Projects and Public Housing Assistance Projects with HUD funding are documenting Section 3 labor hours to meet the requirements of Section 3 found in 24 CFR part 75. The information will be used by the Department to monitor program recipient's compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as a self-monitoring tool.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2501-0040. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. No assurances of confidentiality are provided for this information collection.

This Utilization Tool is a tool for the Dayton Metropolitan Housing Authority d/b/a Greater Dayton Premier Management (“**GDPM**”) and its contractors/subcontractors to document Section 3 labor hours for Section 3 workers and Section 3 business concerns. This document and accompanying Form 4737 and Form 4737A should be completed by businesses completing activities that utilize Public Housing funds. Please note that the procurement process and the Section 3 Worker or Section 3 business concern self-certification and verification process is completed outside of this plan.

Applicable Law

Section 3 rules apply on projects and expenses with the following public housing assistance, including:

- Development assistance pursuant to Section 5 of the Housing Act of 1937 (1937 Act),
- Operating funds pursuant to Section 9(e) of the 1937 Act,
- Capital funds for development, modernization, and management assistance pursuant to Section 9(d) of the 1937 Act,
- The entirety of a mixed-finance development project as defined in 24 CFR § 905.604, and/or
- Any public housing funding identified through a Notice of Funding Availability (NOFA) as outlined in 24 CFR 75.7.
 - Example: Choice Neighborhood implementation or planning grants or Jobs Plus/Family Self-sufficiency/Resident Opportunities and Self-Sufficiency Grants.
- Rental Assistance Demonstration (RAD) Projects

SECTION I FUNDING INFORMATION

HUD-funded entity: Dayton Metropolitan Housing Authority d/b/a Greater Dayton Premier Management

Name of HUD Funding Source: Capital Fund Program

SECTION II PRIORITIZATION REQUIREMENTS

Employment and Training

GDPM and their contractors or subcontractors will provide their best efforts to give any employment and training opportunities in connection with Section 3 and should give priority to Section 3 workers in the following order of priority:

1. Residents of the public housing project(s) for which the public housing financial assistance is expended;
2. Residents of the public housing project(s) managed by the PHA that is providing the assistance or for residents of Section 8-assisted housing managed by the PHA;
3. Participants in YouthBuild program(s); and
4. Persons of low- and very-low income residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

NOTE: No statement in this document is intended to require the contracting or employment of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of an available employment or training opportunity.

Contracting

GDPM and their contractors or subcontractors will provide their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers in connection with public housing financial assistance.

Contracted businesses should make best efforts to give priority in the following order listed:

1. Section 3 business concerns that provide economic opportunities for residents of the public housing project(s) for which the public housing financial assistance is expended;
2. Section 3 business concerns that provide economic opportunities for residents of the public housing project(s) or Section-8 assisted housing managed by the PHA that is providing the assistance;
3. Participants in YouthBuild program(s); and
4. Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

NOTE: No statement in this document is intended to require the contracting or procurement of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the bid or contract.

SECTION III

IDENTIFICATION AND RECORDKEEPING FOR SECTION 3 BUSINESSES

For each Section 3 Business that is completing construction or rehabilitation activities for the project identified in Section I, complete PHA Form 4737 for *each* contractor as instructed on the form. Certification will be documented prior to the execution of a contract. Certification documentation must be maintained by the recipient, subrecipient, contractor, or subcontractor for the appropriate record retention period found in 2 CFR Part 200.

NOTE: Professional service providers and recipient or subrecipient information may be entered on the form.

Form 4737 is intended to provide a template for PHAs, non-Section 3 businesses and Section 3 business concerns to record all labor hours to document compliance with Section 3 on the HUD-funded project. Each contractor must document the total number of labor hours and enter the specific amount of Section 3 business labor hours worked on the project.

NOTE: A business can also use a separate form or internal system that includes the same information on PHA Form 4737.

SECTION IV

CERTIFICATION OF SECTION 3 WORKER AND TARGETED SECTION 3 WORKER (PHA FORM B)

PHA Form 4737A is intended to provide a template for PHAs, non-Section 3 Businesses, and Section 3 Businesses to record individual labor hours to document compliance with Section 3 on the HUD-funded project, should they choose to use this. The form tracks the total number of labor hours for each construction business and professional business that is contracted to complete work on the project.

NOTE: A business can also use a separate form or internal system that includes the same information on Form 4737A.

For each Section 3 Worker or Targeted Section 3 Worker that is contributing labor hours to complete construction or rehabilitation activities for the project identified in Section I, complete PHA Form 4737A for each worker with name and appropriate information. Individuals (Section 3 workers and Targeted Section 3 workers) only need to be verified once. Documentation and verification must be maintained by recipient or its designee(s) for the appropriate record retention period found in 2 CFR Part 200. (See PHA Form 4737A attached)

SECTION V
CERTIFICATION

By signing this Section 3 Utilization Tool, [contractor/subcontractor] certifies that it meets the requirements of 24 CFR § 75.9 through § 75.17. [Contractor/subcontractor] agrees to make best efforts to ensure that employment, training, and contracting opportunities arising in connection with Section 3 are provided to Section 3 workers, Targeted Section 3 workers, YouthBuild participants, and Section 3 Business concerns that provide economic opportunities to Section 3 workers.

Printed Name of Signer

Date

Signature

Note: This form must be signed by a representative, officer, or agent of the entity or business signing and certifying this information.

Section 3 Utilization Tracker: Business Labor Hours

U.S. Department of Housing and Urban Development
Office of Field Policy and Management

OMB 2501-0040
Expiration 04-30-2025 HUD
Form 4737

Public reporting for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information.

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), and 12 U.S.C. § 1701u ensure that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance for housing. The regulations are found at 24 CFR Part 75. This collection of information is required to ensure that Section 3 workers and Section 3 Business concerns participating in Housing and Community Development Projects and Public Housing Assistance Projects with HUD funding are documenting Section 3 labor hours to meet the requirements of Section 3 found in 24 CFR part 75. The information will be used by the Department to monitor program recipient's compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as a self monitoring tool.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2501-0040. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. No assurances of confidentiality are provided for this information collection.

FORM A: Business Labor Hours Tracking

Tracking of labor hours occurs throughout the project and is reported no later than the conclusion of the work for the identified business. This form is completed in conjunction with Form B for Section 3 Workers and Section 3 Targeted Workers labor hours. An alternative to this use of this form can be from a business or employer's good faith assessment of the labor hours of a full-time or part-time employee informed by the employer's existing salary or time and attendance based payroll systems, unless the project or activity is otherwise subject to requirements specifying time and attendance reporting.

	Business Name	Non-Section 3 Business	Section 3 Business (must be verified by recipient/subrecipient before contract is executed)	Total number of Section 3 worker or Section 3 business labor hours worked	Total targeted Section 3 worker labor hours. (Of the total Section 3 worker labor hours reported list total labor hours from Targeted Section 3 workers)	Total number of labor hours worked from non-Section 3 and Section 3 workers/Section 3 businesses	Section 3 Benchmark non-Section 3 businesses calculate column E divided by column G
A. Construction (HCD programs) or Capital Expenses (PHAs) <i>(Enter labor hours for all construction contracts or subcontracts in the project. Note Section 3 requirements do not apply to material supply contracts.)</i>						All Section 3 businesses report total in column E	All Section 3 business shall record 100% of total labor hours
B. Construction subtotal (Add all amounts in column E to display a subtotal for column E; Add all amounts in column G to display subtotal of all labor hours in column G)				0		0	
C. Professional Services/Recipients Professional Service/recipients Section 3 worker labor hours are only added to the total in column E <i>(Optional reporting, but is encouraged if it is Section 3 Business or Section 3 worker)</i>							
D. Professional Services/Recipient Subtotal (Add all professional service/recipient hours reported in column E to display a subtotal for column E. This subtotal amount is added to the cumulative hours total in column E)							
E. Cumulative Project Labor Hours						0	
F. Benchmark met.							

EXAMPLE

Section 3 Utilization Tracker: Business Labor Hours

U.S. Department of Housing and Urban Development
Office of Field Policy and Management

OMB 2501-0040
Expiration 04-30-2025 HUD
Form 4737

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FORM A: Business Labor Hours Tracking

Tracking of labor hours occurs throughout the project and is reported no later than the conclusion of the work for the identified business. This form is completed in conjunction with Form B for Section 3 Workers and Section 3 Targeted Workers labor hours. An alternative to this use of this form can be from a business or employer's good faith assessment of the labor hours of a full-time or part-time employee informed by the employer's existing salary or time and attendance based payroll systems, unless the project or activity is otherwise subject to requirements specifying time and attendance reporting.

EXAMPLE	Business Name	Non-Section 3 Business	Section 3 Business (must be verified by recipient/subrecipient before contract is executed)	Total number of Section 3 worker or Section 3 business labor hours worked	Total targeted Section 3 worker labor hours. (Of the total Section 3 worker labor hours reported list total labor hours from Targeted Section 3 workers)	Total number of labor hours worked from non-Section 3 and Section 3 workers/Section 3 businesses	Section 3 Benchmark non-Section 3 businesses calculate column E divided by column G
A. Construction (HCD programs) or Capital Expenses (PHAs) <i>(Enter labor hours for all construction contracts or subcontracts in the project. Note Section 3 requirements do not apply to material supply contracts.)</i>						All Section 3 businesses report total in column E	All Section 3 business shall record 100% of total labor hours
	Optimus General Contractor	x		50	25	500	10.0%
	123 Excavation	x		19		40	47.5%
	XYZ Concrete		x	120	20	120	100.0%
	76 Framers		x	80		80	100.0%
B. Construction subtotal (Add all amounts in column E to display a subtotal for column E; Add all amounts in column G to display subtotal of all labor hours in column G)				269		740	36.4%
C. Professional Services/Recipients Professional Service/recipients Section 3 worker labor hours are only added to the total in column E (Optional reporting, but is encouraged if it is Section 3 Business or Section 3 worker)							
	Vision Land Surveying		x	10			100.0%
	1+2 Engineering	x					
	Accrued Accountants	x		20			100.0%
	City of Entitlement CDBG	x					
	Helpful NGO Subrecipients LLC	x		10			100.0%
D. Professional Services/Recipient Subtotal (Add all professional service/recipient hours reported in column E to display a subtotal for column E. This subtotal amount is added to the cumulative hours total in column E)				40			
E. Cumulative Project Labor Hours				309		740	41.8%
F. Benchmark met.							

EXAMPLE

**Section 3
Utilization
Tracker: Section 3
Labor Hours**

U.S. Department of Housing and
Urban Development
Office of Field Policy and
Management

Expiration 04-30-2025

**OMB 2501-0040
HUD
Form 4737A**

Public reporting for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information.

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), and 12 U.S.C. § 1701u ensure that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance housing. The regulations are found at 24 CFR Part 75. This collection of information is required to ensure that Section 3 workers and Section 3 Business concerns participating in Housing and Community Development Projects and Public Housing Assistance Projects with HUD funding are documenting Section 3 labor hours to meet the requirements of Section 3 found in 24 CFR part 75. The information will be used by the Department to monitor program recipient's compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as a self-monitoring tool.

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FORM B: Section 3 Labor Hours Tracking

(Reporting for each Section 3 worker can occur throughout the project and as directed by the HUD recipient for the identified business(es). An alternative to this use of this form can be from a business or employer's good faith assessment of the labor hours of a full-time or part-time employee informed by the employer's existing salary or time and attendance based payroll systems, unless the project or activity is otherwise subject to requirements specifying time and attendance reporting.)

Name of Business contracted on (Name of Project)	Identification of Section 3 Worker	Identification of Targeted Section 3 Worker	Date of hire or first reporting period	Total labor hours worked on a project per Section 3 Worker (Tracking of hours can be completed in a separate wage reporting system)
EXAMPLE				
	<i>List or identify all Section 3 Workers for each contracted business. Documentation of a Section 3 Worker is completed outside of this form.</i>	<i>Indicate, by marking with an "X" if the worker has been identified as a Targeted Section 3 Worker. Documentation of a Targeted Section 3 Worker is completed outside of this form.</i>	<i>Enter either the date of hire or the date of the first reporting period after hire for each worker.</i>	<i>Enter number of hours worked by the individual employee over the duration of project.</i>
Business Name	Section 3 Worker Name			
Optimus General Contractor	Employee name 1	x	5/16/2021	10
	Employee name 2			
	Employee name 3			
123 Excavation	Employee name 4			
	Employee name 5	x		
XYZ Concrete	Employee name 6			
76 Framers	Employee name 7	x		
AB Drywall				
Cumulative Project Labor Hours				

Section 3 Job Aid

for Contractors & Subcontractors

1 Understand How Section 3 Applies to Your Project or Contract

Section 3 applies to any amount of public housing financial assistance for development, operations and management, and mixed-finance development projects. In some cases, Section 3 may apply to Rental Assistance Demonstration (RAD) and Choice Neighborhoods projects. Material supply contracts are excluded.

2 Understand How to Meet the Section 3 Goals


Meet the Quantitative Goals

25% or more of all labor hours in a PHA's fiscal year must be worked by Section 3 workers, and **5%** or more of all labor hours in a PHA's fiscal year must be worked by Targeted Section 3 workers

Professional service labor hours are excluded from the goals, but may be included by choice.

Make Qualitative Efforts

Provide evidence that you made qualitative efforts to assist persons and businesses that provide opportunities to persons listed in the following order of priority: 1) Residents of public housing projects where assistance is expended, 2) Residents of other public housing projects managed by the PHA providing the assistance, 3) YouthBuild participants, 4) Persons who are low-income residing in the metro area (or non-metro county) where assistance is expended.

 **Helpful Tool:** The Section 3 Guidebook provides a list of qualitative efforts that contractors and subcontractors may undertake to document that they made qualitative efforts to assist persons who are low-income with employment and training opportunities.

3 Understand What a Section 3 Worker Is

What is a Section 3 Worker? A worker who **currently fits**, or **when hired** within the past five years fit, at least **one** of the following categories as documented:

- Worker who is low-income
- Employed by a Section 3 business concern
- YouthBuild participant

*The five-year lookback period cannot date back further than 2020.

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.	See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <hr/> <p>2 Business name/disregarded entity name, if different from above</p> <hr/> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate </p> <p> <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ </p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p> <input type="checkbox"/> Other (see instructions) ▶ _____ </p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p style="font-size: small;">(Applies to accounts maintained outside the U.S.)</p>
		<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <hr/> <p>6 City, state, and ZIP code</p> <hr/> <p>7 List account number(s) here (optional)</p> <hr/>	<p>Requester's name and address (optional)</p> <hr/>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> </tr> <tr> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </table>					-	-	-	-
-	-	-	-					
or								
Employer identification number								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> </tr> <tr> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </table>					-	-	-	-
-	-	-	-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or “doing business as” (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity’s name as shown on the entity’s tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a “disregarded entity.” See Regulations section 301.7701-2(c)(2)(iii). Enter the owner’s name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner’s name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity’s name on line 2, “Business name/disregarded entity name.” If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys’ fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.

You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.

You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

Is your Bid Packet Complete?



Are the following forms completed, signed and in your Bid Packet?

- 1. Invitation for Bid Form**
- 2. Proposal Pricing Form**
- 3. Non-Collusive Affidavit & Full Disclosure Form**
- 4. Section 3 Form**
 - a. Section 3 Business Concern Certification**
 - b. HUD Section 3 Utilization Tool Certification**
- 5. W-9**